

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Health, Medical & Family Welfare Department - Directorate of Institute of Preventive Medicine Public Health Labs & Food (Health) Administration, A.P. Hyderabad - Sri K. Atchaiah, Assistant Food Controller (Retired) - Certain lapses on the Part of the officer while working as Gazetted Food Inspector, Nalgonda - Disciplinary action - Punishment of 5% cut in pension for one year under the Andhra Pradesh Revised Pension Rules, 1980 - Orders – Issued.

HEALTH, MEDICAL AND FAMILY WELFARE (VC.II.2) DEPARTMENT

G.O.Ms.No. 245

Dated: 27-08-2011

Read the following:

1. Judgment dated.27-4-2005 in CC No.590/02.
2. Charge Memo Rc.700/E1/05, Dt.29-6-2005 of Director IPM.
3. Explanation of Sri K. Atchaiah, AFC(Rtd) Dt.11-7-2005.
4. Director of IPM Hyd Rc.No.3559/E1/05-06, Dt.20-1-2006.
5. Enquiry Report Dt.8-2-2008 in Rc.No.5/EO/DFC/07-08.
6. Show cause notice Rc.No.3559/E1/05-07, Dt.16-7-08.
7. Explanation of Sri K. Atchaiah, Rtd, AFI, Dt.8-9-08.
8. Director IPM Rc.No.3559/E!/05-08, Dt.18-11-2008.
9. Application of Sri K. Atchaiah, Rtd AFI Dt.10-11-2009.
10. Director IPM Lr.Rc.No.3559/E1/08, Dt.15-12-2009.
11. Govt. Memo.No.24375/VC.II.2/2009-2, Dt28-6-2010.
12. Govt. Memo.No.24375/VC.II.2/2009-3, Dt28-6-2010.
13. Explanation of Sri K. Atchaiah, AFC (Rtd) Dt.1-9-2010.
14. From the Secretary, APPSC, letter No.1042/RT-I/1/2007, dt.22-10-2007.

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O R D E R:

Whereas, Sri B.Veeraiah, the then Food Inspector, Nalgonda District, had collected samples related to the case in C.C.No.590 of 2002 on 26-01-2002 and deposited them on 28-1-2002 with the charged officer, Sri K. Atchaiah, the then Gazetted Food Inspector & Local (Health) Authority, Nalgonda District, for safe custody. After institution of the case, the honorable Judicial First Class Magistrate, Suryapet had sent a requisition to the Gazetted Food Inspector & Local (Health) Authority, Nalgonda District on 20-12-2007 for submission of the other part of the sample for analysis by the Director, CFL, as per the provisions of section 13(2) of PFA Act. The requisition was received by Sri S.Madanachari, Gazetted Food Inspector and the successor of the charged officer. Consequent on transfer, the Charged Officer (K. Atchaiah) was relieved by the Assistant Food Controller Zone-VI on 22-07-2002, while he was on leave from 19-07-2002 to 9-01-2003 without handing over charge. After receipt of the requisition from the court regarding submission of other part of the samples, Sri S.Madanachari, the successor of the Charged Officer (i.e. Sri K. Atchaiah), has made correspondence for handing over the sample parts related to CC.No.590/2002 and other samples which were required to be deposited in the court. The charged officer, however, has failed to do so. When the charge was handed over by the charged officer to his successor (Sri S.Madanachari) he failed to hand over the said sample, because of which Sri S.Madanachari could not deposit other part of the sample before the Hon'ble Court and finally filed a memo dt.18-01-2004 before the Hon'ble Judicial First Class Magistrate, Suryapet about his inability to submit the sample as the same was not received by him from Sri K. Atchaiah. Since the charged officer (Sri K. Atchaiah) failed to handover the other parts of the said samples related to the CC.No.590 of 2002, the Successor Sri S.Madanachari, Gazetted Food Inspector & Local (Health) Authority of Nalgonda District did not comply with the directions of the Hon'ble court and the Hon'ble Magistrate acquitted the case making a specific observations that, because of the due to negligence on the part of Sri K. Atchaiah,

(P.T.O)

a non production of reference sample in this case A1 and A2 escaped from the clutches of law. He must be personally responsible for failure of this case and issued instructions to the Director, Institute of Preventive Medicine for initiation of necessary action against Sri K. Atchaiah, who was working at that time as the Assistant Food Controller (Administration) in Directorate of Institute of Preventive Medicine, Hyderabad in the reference 1st read above.

2. And whereas, a charge memo was issued by the Director, Institute of Preventive Medicine, Hyderabad to Sri K. Atchaiah, Retired Assistant Food Controller vide reference 2nd read above. The Charged Officer has submitted his explanation to the charge memo, vide reference 3rd read above.

3. In the reference 4th read above, an Inquiry Officer along with presenting Officer were appointed to conduct enquiry and the Inquiry Officer submitted his report vide reference 5th read above. After examination of the Inquiry Report, the Director, Institute of Preventive Medicine has taken a provisional decision to impose a punishment i.e. withholding 5% pension for a period of one year and directed to submit his explanation vide reference 6th read above. The Charged Officer has submitted his explanation vide reference 7th read above. After examination of the explanation of the charged officer, the Director, Institute of Preventive Medicine confirmed the said provisional decision and issued final orders i.e. withholding 5% pension for a period of one year against Sri K. Atchaiah, Assistant Food Controller Retired by the Director, Institute of Preventive Medicine vide reference 8th read above, after issue of above orders, the Director, Institute of Preventive Medicine has requested the Government for ratification of above punishment orders issued by them.

4. On the above request of the Director, Institute of Preventive Medicine, Government have re-examined the action taken by the Director, Institute of Preventive Medicine (i.e. imposing the punishment of 5% cut in pension for one year on the said Sri K. Atchaiah, Assistant Food Controller (Retired), in the light of Rule 9 of A.P. Revised Pension Rules, 1980) and observed that the action of Director, Institute of Preventive Medicine was in deviation to the Rule 9 of A.P. Revised Pension Rules, 1980 and therefore cancelled the orders of Director, Institute of Preventive Medicine and ordered that action would continue in Government, being the competent authority in respect of retired Government servants vide reference 11th read above. Subsequently, the Government issued a Show Cause Notice to why the penalty of 5% cut in his pension for one year should not be imposed on the above individual vide reference 12th read above.

5. In the reference 13th read above, Sri K. Atchaiah, submitted his explanation to the Show Cause Notice. The Government after careful examination of the above explanation to the Show Cause Notice, observed that there is no valid reasons in the above explanation and therefore decided to confirm the earlier decision to impose a punishment of 5% cut in his pension for one year on Sri K. Atchaiah, Assistant Food Controller (Retired).

6. And whereas, the Andhra Pradesh Public Service Commission who were consulted in the matter, have conveyed the concurrence of the Commission in the letter 14th read above.

7. Now therefore, the Government under rule 9 of the Andhra Pradesh Revised Pension Rules, 1980 hereby impose the punishment of 5% cut in pension for one year on Sri K. Atchaiah, Assistant Food Controller (Retired).

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8. The Director, Institute of Preventive Medicine Public Health Labs & Food (Health) Administration, Hyderabad shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**K.R. KISHORE
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Sri K. Atchaiah, Assistant Food Controller (Retired) **through**
the Director, Institute of Preventive Medicine Public
Health Labs & Food (Health) Administration, Hyderabad.

Director, Institute of Preventive Medicine Public Health Labs &
Food (Health) Administration, Hyderabad

Copy to:

The Accountant General, A.P. Hyderabad.

The District Treasury Officer, Nalgonda.

The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.

O.S.D. to Minister (Medical & Health).

P.S. to Principal Secretary to Government.

SF/SC

// FORWARDED:: BY ORDER //

SECTION OFFICER